

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13646, of Washington Hebrew Congregation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the subject premises as a day care center for a maximum of twenty children in an R-1-B District at the premises 3935 Macomb Street, N.W., (Square 1818, Lot 833).

HEARING DATE: January 27, 1982

DECISION DATE: March 3, 1982

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District on the south side of Macomb Street between 39th Street and Massachusetts Avenue, N.W.
2. The subject property is a large site, having over 575 feet of frontage on Macomb Street and about two-hundred feet on 39th Street. The site is bordered on the north and west sides by Glover-Archbold Park.
3. The site is improved with a large brick and stone building used as a temple by the Washington Hebrew Congregation. The building consists of a main sanctuary, nineteen classrooms, libraries, social hall, youth wing and other supporting facilities.
4. The application proposes to establish a day care center in the existing building, to be operated jointly by the Congregation and the Jewish Community Center of Greater Washington. The center would have a maximum of twenty children, ages two to five. The hours of operation would be from 7:30 A.M. to 6:00 P.M., Monday through Friday. The center will be operated on the second floor within the existing building. It will not conflict with any other activity in the building.
5. There will be no articles of commerce for sale.
6. The use will not be objectionable to adjoining property because of noise or number of students, because it will primarily be conducted inside the building. The exterior play space is located at the rear of the site, adjacent to the park. The large size of the site combined with the small size of the center minimize adverse effects.

7. There is a parking area with space for seventy-five cars at the east end of the building. That area is large enough to provide enough parking spaces and area for drop-off that there will be no adverse impact on Macomb or 39th Streets. The number of children proposed for the center is relatively small, and the vehicle trips generated will have no undue impact on the street system.

8. The Congregation draws its members from a large area of northwest Washington. The center will give priority to members of the Congregation and the Jewish Community Center. Within those groups, additional priority will be given to children residing in close proximity to the site. The building is centrally located to the primary area it serves. The location right off Massachusetts Avenue is convenient to that area.

9. There is approximately 1,925 square feet of outdoor play space located to the north of the west end of the building. Including indoor play area, there is more than 2,000 square feet of play area for twenty children.

10. The National Capital Region of the National Park Service, by letter dated February 3, 1982, stated no objection to the proposed center with the understanding that the play area adjacent to the park will be fenced. The Board will so order.

11. The Office of Planning and Development, by memorandum dated January 22, 1982 and by testimony at the hearing, recommended that the application be approved. The OPD found that the proposed center will not impact on its environs due to noise. Activities inside the building will be buffered by the building's construction and distance from nearby dwellings. Sound coming from the exterior play area will be blocked by the building and parking area. The OPD reported that approval of the special exception will be in harmony with the purpose and intent of the Zoning Regulations and will not adversely effect the use of nearby property. The OPD further reported that the application meets the requirements of Paragraph 3101.41. The Board concurs in the findings of the OPD.

12. There was no report from Advisory Neighborhood Commission 3C.

13. There was no opposition to the application at the public hearing or in the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an

exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3101.41 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. There will be no articles of commerce for sale. Adequate play space and parking is provided. The site is large enough and the proposed center small enough that the use will not create objectionable noise or traffic conditions. The use is reasonably necessary and convenient to the area it serves.


The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. The use shall be limited to twenty students, aged two to five years.
2. The hours of operation shall not exceed 7:30 A.M. to 6:00 P.M.
3. Approval shall be limited to operation by the Washington Hebrew Congregation in conjunction with the D.C. Jewish Community Center.
4. The play area shall be fenced in with a six foot wood stockade fence.
5. Approval shall be limited to a period of THREE YEARS.

VOTE: 5-0 (Douglas J. Patton, William F. McIntosh, Connie Fortune and Charles R. Norris to GRANT; John G. Parsons to GRANT by PROXY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: APR 14 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.